

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #11	CCRB Case #: 201902852	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/01/2019 , Wednesday, 04/03/2019 9:00 AM	Location of Incident: Navy Street and Park Avenue; over the phone	Precinct: 88	18 Mo. SOL 10/3/2020	EO SOL 5/20/2021	
Date/Time CV Reported Wed, 04/03/2019 9:33 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 04/03/2019 9:33 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM John Cioffi	13663	963917	088 PCT
2. POM John Sosa	02642	962115	088 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Francisco Quintanilla	19533	959102	088 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Cioffi	Abuse: At Navy Street and Park Avenue in Brooklyn, Police Officer John Cioffi refused to provide his name to § 87(2)(b)	
B.POM John Cioffi	Abuse: At Navy Street and Park Avenue in Brooklyn, Police Officer John Cioffi refused to provide his shield number to § 87(2)(b)	
C.POM John Sosa	Abuse: Over the phone, Police Officer John Sosa did not process § 87(2)(b)'s complaint regarding an officer.	

### Case Summary

On April 3, 2019, § 87(2)(b) filed this complaint with the CCRB via telephone.

On April 3, 2019, at approximately 9 a.m., at Navy Street and Park Avenue in Brooklyn, Police Officer John Cioffi of the 88<sup>th</sup> Precinct allegedly refused to provide his name and shield number to § 87(2)(b) (**Allegations A and B: Abuse of Authority, § 87(2)(g)** Police Officer John Sosa, also of the 88<sup>th</sup> Precinct, did not process § 87(2)(b) complaint regarding an officer (**Allegation C: Abuse of Authority, § 87(2)(g)**

§ 87(2)(b) neither arrested nor summonsed during this incident. There is no known video footage of this incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: At Navy Street and Park Avenue in Brooklyn, Police Officer John Cioffi refused to provide his name to § 87(2)(b)**

**Allegation (B) Abuse of Authority: At Navy Street and Park Avenue in Brooklyn, Police Officer John Cioffi refused to provide his shield number to § 87(2)(b)**

During § 87(2)(b) intake call on April 3, 2019 (BR 04), which took place 33 minutes after her interaction with PO Cioffi, she stated that she asked PO Cioffi for his name on April 3, 2019 and he did not provide it. In her sworn statement (BR 05), which will be discussed in further detail below, she alleged that she asked PO Cioffi for his name and shield number on an unknown date several weeks prior to April 3, 2019. § 87(2)(b) has had encounters with officers parked in the bicycle lane dating back to summer of 2017.

Upon interviewing PO Cioffi, he had an independent recollection of interacting with § 87(2)(b) on April 3, 2019. PO Francisco Quintanilla, also of the 88<sup>th</sup> Precinct, who was working with PO Cioffi, remembered seeing § 87(2)(b) on April 3, 2019, but had never seen her prior to that date.

§ 87(2)(g)

According to § 87(2)(b) (BR 05), as she approached the intersection of Navy Street and Park Avenue on her bicycle, she saw a marked vehicle from the 88<sup>th</sup> Precinct in the bike lane. § 87(2)(b) got off her bicycle and approached the vehicle to ask PO Cioffi if he thought his vehicle was parked in a safe place. PO Cioffi told § 87(2)(b) that he can park wherever he wants. § 87(2)(b) asked PO Cioffi for his name and shield number, but PO Cioffi rolled up the window without providing his name and shield number. PO Cioffi then turned his vehicle around and left.

PO Cioffi (BR 06) and PO Quintanilla (BR 07) § 87(2)(g) performed a directed assignment at the intersection of Navy Street and Park Avenue, which is an accident-prone location. § 87(2)(b) dismounted her bicycle in front of the police vehicle, which PO Cioffi confirmed was parked in the bicycle lane, and began recording the officers from approximately five to ten feet away. § 87(2)(b) never approached the police vehicle.

PO Cioffi did not recall § 87(2)(b) asking for his name and shield number and subsequently rolling up the window without providing his name and shield number. PO Cioffi did not refuse to provide his name and shield number to § 87(2)(b)

PO Quintanilla said that § 87(2)(b) did not ask for PO Cioffi's name and shield number and PO Cioffi did not refuse to provide her with this information.

§ 87(2)(g)

**Allegation (C) Abuse of Authority: Over the phone, Police Officer John Sosa refused to process § 87(2)(b) complaint regarding an officer.**

§ 87(2)(b) (BR 05) testified that while she was standing in front of the police vehicle, she contacted the 88<sup>th</sup> Precinct and spoke to PO Sosa. § 87(2)(b) told PO Sosa that PO Cioffi was “breaking the law” and that she wanted the issue addressed. PO Sosa told § 87(2)(b) that she could either come to the stationhouse or file a complaint with the CCRB, but that he could process her complaint over the phone.

PO Sosa (BR 08) testified that he received a call from § 87(2)(b) who said she wanted to make a report regarding officers parked in the bicycle lane, but did not specify that she wanted to file a complaint. PO Sosa did not recall § 87(2)(b) telling him that she tried to ask the driver of the vehicle for his name and shield number. PO Sosa instructed § 87(2)(b) to obtain the vehicle number, which she provided to him. PO Sosa then gave § 87(2)(b) information as to how to file a complaint with the CCRB. PO Sosa could not take § 87(2)(b) report over the phone because he was not on scene and “did not know what was going on,” and had to attend to other phone calls and paperwork.

When an officer receives a civilian complaint alleging misconduct by uniformed members of the service via telephone, the officer should prepare the first copy of the civilian complaint report in his or her own handwriting and treat as if it was prepared by the complainant. The officer should advise the complainant that he or she will receive a written acknowledgement from the Civilian Complaint Review Board. NYPD Patrol Guide Procedure 207-31 (BR 09).

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 01).
- PO Cioffi has been a member of service for one year and this is the first CCRB complaint to which he has been a subject.
- PO Sosa has been a member of service for two years and has been a subject in one prior CCRB complaint and one allegations (case 201807881). This case is awaiting Board review.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of May 24, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 02).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date